

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUNE BLOCH,	:	
	:	
Plaintiff,	:	Civil Action No.
	:	
v.	:	
	:	
WYETH,	:	
	:	
Defendant.	:	

NOTICE OF REMOVAL

Defendant Wyeth ("Wyeth"), sued "individually and d/b/a Wyeth-Ayerst Research," hereby removes this action from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania, and in support thereof states as follows:

1. On or about July 11, 2002, Plaintiff June Bloch ("Plaintiff"), individually and as putative class representative, commenced this action by filing a Complaint in the Court of Common Pleas of Philadelphia County, Pennsylvania, docketed July 2002 Term, No. 001542, against Wyeth. A true and correct copy of this Complaint is attached hereto as Exhibit A.

2. Removal of this action is proper under 28 U.S.C. § 1441(a), which allows for the removal of any civil action over which the district courts of the United States would have original jurisdiction.

3. The Notice of Removal is timely under 28 U.S.C. § 1446(b) because it is being filed within thirty (30) days of receipt "through service or otherwise, of a copy of the initial pleading setting forth the claim for relief upon which such action or proceeding is based."

4. This Court has original jurisdiction over this action since the parties are citizens of different states and the matter in controversy exceeds \$75,000, exclusive of interest and costs. See 28 U.S.C. § 1332(a). More specifically, original jurisdiction is present in this action because:

a. Plaintiff's domicile is Havertown, Pennsylvania, and she is a citizen of Pennsylvania. See Ex. A, ¶ 4.

b. Wyeth is a Delaware Corporation with its principal place of business in Madison, New Jersey.¹

c. The relief Plaintiff is seeking, which includes, *inter alia*, equitable relief in the form of a medical monitoring program, public notice, and the creation of a medical research and education fund (see Ex. A, ¶¶ 38, 77), is relief in which the Plaintiff and the putative class she seeks to represent have an undivided interest and is in excess of \$75,000. See In re Diet Drugs Prods. Liab. Litig., 1999 U.S. Dist. LEXIS 13228 at *14-19 (E.D. Pa. 1999); Katz v. Warner-Lambert Co., 9 F. Supp. 2d 363 (S.D.N.Y. 1998); In re Rezulin Prods. Liab. Litig., 168 F. Supp. 2d 136, 152 (S.D.N.Y. 2001).

5. Accordingly, had this action been brought in the Eastern District originally, this Court would have had original jurisdiction over the subject matter under the provisions of 28 U.S.C. § 1332. As a result, this action is properly removable to this Court pursuant to the provisions of 28 U.S.C. § 1441.

¹ Plaintiff incorrectly avers that Wyeth is a Pennsylvania corporation with its principal place of business in Wayne, Pennsylvania.

WHEREFORE, Wyeth respectfully requests that the civil action commenced against it be removed to this Court for all future proceedings.

Respectfully submitted,

MICHAEL T. SCOTT
ROBERT A. NICHOLAS
BARBARA R. BINIS
REED SMITH LLP
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
(215) 851-8100

Attorneys for DEFENDANT **WYETH**

Dated: July 22, 2002

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a true and correct copy of the foregoing Defendant Wyeth's Notice of Removal *via* first-class mail, postage prepaid, this 22nd day of July, 2002, upon the following counsel of record:

Richard S. Schiffrin, Esquire
Tobias L. Millrood, Esquire
Schiffrin & Barroway, LLP
Three Bala Plaza East, Suite 400
Bala Cynwyd, PA 19004

Jason Brodsky, Esquire
Evan Smith, Esquire
Brodsky & Smith, LLC
11 Bala Avenue, Suite 39
Bala Cynwyd, PA 19004

Michael G. Sawaya, Esquire
Sawaya, Rose & Sawaya, P.C.
1600 Ogden Street
Denver, CO 80218

Joseph J. Tusso

REED SMITH LLP

By: MICHAEL T. SCOTT
Identification No. 23822
By: ROBERT A. NICHOLAS
Identification No. 42907
By: BARBARA R. BINIS
Identification No. 62359
2500 One Liberty Place
1650 Market Street
Philadelphia, PA 19103-7301
(215) 851-8100

Attorneys for DEFENDANT **WYETH**

JUNE BLOCH

v.

WYETH

COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

JULY TERM, 2002

CIVIL ACTION NO. 001542

NOTICE OF FILING NOTICE OF REMOVAL

**TO: THE PROTHONOTARY
COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PA**

Please take notice that on this 22nd day of July 2002, Defendant Wyeth filed a Notice of Removal, a copy of which is attached hereto, in the United States District Court for the Eastern District of Pennsylvania. The filing with the Court of Common Pleas, Philadelphia County, Pennsylvania, of the Notice of Removal attached hereto has effectuated the removal of this action in accordance with 28 U.S.C. §1446(d).

Respectfully submitted,

Michael T. Scott
Robert A. Nicholas
Barbara R. Binis

Dated: July 22, 2002

Attorneys for DEFENDANT **WYETH**

REED SMITH LLP

By: MICHAEL T. SCOTT
Identification No. 23822
By: ROBERT A. NICHOLAS
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Attorneys for DEFENDANT **WYETH**

JUNE BLOCH

v.

WYETH

COURT OF COMMON PLEAS
OF PHILADELPHIA COUNTY

JULY TERM, 2002

CIVIL ACTION NO. 001542

**PRAECIPE TO FILE NOTIFICATION
OF AND COPY OF NOTICE OF REMOVAL**

**TO: THE PROTHONOTARY
COURT OF COMMON PLEAS
PHILADELPHIA COUNTY, PA**

As provided under 28 U.S.C. § 1446(d), please file the attached Notice of Filing and copy of Notice of Removal filed by Defendant Wyeth in the United States District Court for the Eastern District of Pennsylvania on July 22, 2002.

Respectfully submitted,

Michael T. Scott
Robert A. Nicholas
Barbara R. Binis

Attorneys for DEFENDANT **WYETH**

Dated: July 22, 2002

CERTIFICATE OF SERVICE

I hereby certify that I caused to be served a true and correct copy of the foregoing Defendant Wyeth's Praeipie to File Notification of and Copy of Notice of Removal *via* first-class mail, postage prepaid, this 22nd day of July, 2002, upon the following counsel of record:

Richard S. Schiffrin, Esquire
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